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## THE LAW ON BULGARIAN NATIONALITY

By

THEODORE GESHKOFF



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## PREFACE

The following document has been prepared especially for the *International Conciliation Series* by Theodore Geshkoff, formerly associated with the Bulgarian Ministry of Foreign Affairs. The question of nationality has an important bearing upon international relations, and the study of Bulgarian nationality throws particular light upon the situation in the Balkans.

Mr. Geshkoff has prepared a bibliography which will be found at the end of the document.

NICHOLAS MURRAY BUTLER

New York, April 16, 1928.





# THE LAW ON BULGARIAN NATIONALITY

By

THEODORE GESHKOFF

Formerly Attached to the Bulgarian Ministry of Foreign Affairs

## AN ANALYSIS OF THE BULGARIAN NATIONALITY LAW

The conclusion of the naturalization treaty between the United States and Bulgaria on November 23, 1923,<sup>1</sup> calls for an analysis of the *pravo za bulgarsko podanstvo*, the Bulgarian Nationality Law.<sup>2</sup> Very little, if any, has been written in English of Bulgarian laws. Hence the present paper has the modest object of providing some useful references in this respect.

### The Origin of Bulgarian Nationality

It seems necessary at the outset of this paper to say a word or two of the origin of Bulgarian nationality.<sup>3</sup> About the fourth century A. D., Slavonic tribes settled in the Balkan peninsula and became loyal subjects of the Eastern Roman Empire. Three centuries later, the Bulgarians, a Turanian tribe akin to the Finns, crossed the Danube and subjugated the Slavonic population. The eastern Roman Emperor had been compelled to cede to the invaders the province of Moesia which had been constituted into a new State by the name of Bulgaria. Then the majority of the Slavs in the Balkan peninsula became Bulgarian subjects. The invaders had been a small number and had formed the ruling class within the new State.

<sup>1</sup> *U. S. Treaty Series*, No. 684; *Suppl. American Journal of International Law*, Vol. 18, p. 117.

<sup>2</sup> The word "pravo" in Bulgarian, as well as in almost all Slavonic languages, means "law" in abstract sense.

<sup>3</sup> Says Professor Hayes of Columbia University: "The Bulgars or the Bulgarians speak a Slavic language somewhat similar to that of the Serbs. Slavic blood—if there be such a thing—flows in their veins too, but with many admixtures. About the fourth century A.D., Slavic farmers had settled among the ancient Thracian inhabitants of the land. Then had come the fierce Bulgars, Asiatic tribesmen like the Turks, conquering the Slavs, then adopting Slavic customs and language. Finally had come the Turks. The mixture of these many elements produced the Bulgarian 'nation,' which now inhabit the Kingdom of Bulgaria, Eastern Rumelia, parts of the Dobrudja, and most of the interior of Macedonia." Hayes, *Political and Social History of Modern Europe* (1924 ed.), Vol. II, p. 495. Yet says the same professor: "Purity of race, if it exists at all, exists nowadays only among uncivilized tribesmen." Hayes, *Essays on Nationalism*, p. 8.



The Slav subjects of the new Bulgarian State had, in their majority, been already converted to Christianity. For political reasons, i.e., to bring about a fusion and unity of the Bulgarians with the Slavs, King Boris I adopted (865) Christianity and also ordained that all of his non-Christian subjects should be christened.<sup>4</sup> Then his Bulgarian subjects raised a rebellion in defense of their paganish religion. The King, however, suppressed that rebellion and ruthlessly exterminated the rebels and their families to the last man.<sup>5</sup> It seems that very little, if any, has been left of the original Bulgarian stock. Thus like the Franks in Gaul, the Bulgarians gave their name and a political organization to a more civilized race which they had conquered and subjugated, but adopted the language and customs of the latter. Not a trace of the Ugrian or Finnish element could be found in the Bulgarian speech except perhaps the word "bolyar" ("nobleman").<sup>6</sup>

At the end of the fourteenth century the Bulgarian State was extinguished by the military Turkish forces and the Bulgarians became *rayah* (serfs) of His Imperial Majesty the Sultan. And for well nigh five centuries the very name of "Bulgarians" was covered with oblivion. The Turkish census gave out all the Christian population within the Empire as *roum-milets*, Romans.

When, in July 1878, the *Daily News* of London published the story about the "Bulgarian Atrocities," narrated by the American journalist MacGahan,<sup>7</sup> the whole world was stirred by the horrors alleged to have been perpetrated by the Turks in Bulgaria. Gladstone started a thunderstorm in the House of Commons, and, contrary to the traditional British policy of preserving the "integrity of the Ottoman Empire," demanded that the Turks be cleared "bag and baggage from the province they have desolated and profaned."<sup>8</sup> The Sultan hurriedly octroid a Constitution, in which it was declared that "All subjects of the Empire are called Ottomans, without distinction whatever faith they profess."<sup>9</sup> But it was too late. On April 28, 1877, Alexander II, by the Grace of God Emperor and Autocrat of all the Russians, declared war on Turkey in order to

<sup>4</sup> Cf., Sharenkoff, "Bulgaria's Conversion to Christianity," in *Pages from Bulgaria's Life*, Bulgarian Student Association, New York City, 1927, pp. 32-38.

<sup>5</sup> Pope Nicholas V, "Resposa ad Consulta Bulgarorum," ed. Hardouin. *Acta Consiliorum*, V, pp. 354-386. Cf., also V. Sharenkoff, *Manichæism in Bulgaria*, New York, 1927.

<sup>6</sup> Bernard, H., *The Shade of the Balkans*, London, 1904, pp. 326-328.

<sup>7</sup> Cf., MacGahan, *Turkish Atrocities in Bulgaria*, London, 1878.

<sup>8</sup> Gladstone, *Bulgarian Horrors and the Question of the East*, p. 62.

<sup>9</sup> *Suppl. American Journal of International Law*, Vol. 2 (1908) p. 367.



liberate the Christian brothers.<sup>10</sup> The result was the Treaty of San Stefano, signed on March 3, 1878, and the Treaty of Berlin, of July 13, 1878.<sup>11</sup> A part of the "desolated and profaned" province was recognized as a "tributary principality under the suzerainty of His Imperial Majesty the Sultan" with "a Christian government and a national militia." Thus, out of the famous "Bulgarian atrocities," came into being the modern Bulgarian State.

Because of the spurious provisions of the Treaty of Berlin, of 1878, authors on international law,<sup>12</sup> as well as foreign powers,<sup>13</sup> considered the territory of Bulgaria an integral part of the Ottoman Empire, the Bulgarians still subjects of the Turkish Sultan, and the Bulgarian Prince (the head of a European Christian nation) equal to the Khedive of Egypt or the Bey of Tunis. This situation was brought to a close by a rough and illegal proclamation of Prince Ferdinand on October 5, 1908,<sup>14</sup> when, without any previous warning to the Great Powers and without any consultation with the Bulgarian Parliament, he proclaimed the Principality of Bulgaria an independent Kingdom ("tsarstvo") and assumed the title "Tsar of the Bulgarians." Several months later the Great Powers recognized the *fait accompli*,<sup>15</sup> and, on July 11, 1911, the Grand Assembly amended the Constitution and sanctioned the change made illegally by an executive act.

### Bulgaria's Nationality Laws

Originally, the fundamental principles of the Bulgarian law on nationality<sup>16</sup> were embodied in Chapter XII of the Constitution, drafted by the Russian High Commissioner and adopted with considerable changes by the Constituent Assembly at Tirnovo, on

<sup>10</sup> Hertslet, *The Map of Europe by Treaty*, Vol. IV, p. 2598. The date of the declaration of war upon Turkey by Czar Alexander II is important, since the Bulgarian Nationality Law of 1883 was retrospectively given force from that date.

<sup>11</sup> *Suppl. American Journal of International Law*, 2 (1908), pp. 387-424.

<sup>12</sup> Sariivanoff, *La Bulgarie un Etat mi-souverain*, p. 6.

<sup>13</sup> R. Calary de Lamazière, *Les capitulations en Bulgarie*, p. 163.

<sup>14</sup> *U. S. Foreign Relations*, 1908, p. 57.

<sup>15</sup> *U. S. Foreign Relations*, 1909, pp. 45-47; cf., G. Scelle, "Bulgarian Independence," in *American Journal of International Law*, Vol. 5 (1911), pp. 175, 395-397.

<sup>16</sup> The Bulgarian word "podanik" may literally be rendered into English as "subject" but "podanstvo" has usually been translated as "nationality," while it really means "subjection" or "citizenship." The word "nationality," Bulgarized "natsionalnost," or the Bulgarian equivalent "narodnost," has, in Bulgarian, entirely another meaning; it has been used to denote what in English is called "race." Thus, says Professor Hayes: "The jurists . . . have done their best to corrupt the new word 'nation'; they have utilized 'nationality' to indicate 'citizenship.'" Hayes, *Essays on Nationalism*, p. 4.



April 16, 1879.<sup>17</sup> The *Sobranie* (National Assembly) passed, as soon as it was convened in December, 1880, a Law on Bulgarian Nationality (*zakon za bulgarsko podanstvo*). The latter law was substituted by the Decree-Law of 1883,<sup>18</sup> the Constitution having previously been suspended.<sup>19</sup> After the reestablishment of the Constitution in September, 1883, there was confusion as to which law was in force, the Law of 1880 or the Decree-Law of 1883. Finally, the Court of Cassation, sitting as a full court, held that the Decree-Law of 1883 was null and void as it was unconstitutional.<sup>20</sup>

The present nationality laws of Bulgaria are embodied in the Constitution of 1879 and in the Nationality Law of 1904, with their amendments up to date. For the interpretation of these laws and to supply their inadequacies one has to look to the parliamentary discussions,<sup>21</sup> administrative regulations,<sup>22</sup> and, especially, to the decisions of the Supreme Court of Cassation, which has, under Art. 47 of the Law Concerning the Organization of the Courts, to make interpretations of these laws binding for the courts below.<sup>23</sup>

Chapter XII of the Bulgarian Constitution of 1879 bears the heading, "The Citizens of the Bulgarian Kingdom." Art. 54 provides: "All persons born in Bulgaria and who have not adopted any other nationality, as well as those who are born in foreign countries of parents who are Bulgarian subjects, are considered subjects of the Bulgarian Kingdom." In the Bulgarian Constitution and Laws, however, the words "subject" (*podanik*) and "citizen" (*grazhdanin*) are used interchangeably as synonyms and as conveying the idea of membership of the Bulgarian State, and nothing else.

### Nationality by Birth

#### (Articles 5-8)

Bulgarian subjects or citizens by birth are:

(1) Those born in Bulgaria or in any foreign country to a Bulgarian;

<sup>17</sup> T. Geshkoff, "The Constitution of Bulgaria," in *Pages from Bulgaria's Life*, New York, 1927, pp. 49-57.

<sup>18</sup> British Foreign Office, *Miscellaneous* No. 3 (1893) and No. 3 (1895); also in Martens *Nouveau Recueil Général de Traités*, 2 serie, Vol. 19, p. 550.

<sup>19</sup> *British State Papers*, Vol. 72, pp. 1248-1249 and 1261; *British Parliamentary Papers*, 1881, Vol. XCVIII, c. 2992.

<sup>20</sup> Court of Cassation Decision, September 24, 1886, being the only decision (advisory opinion) whereby a Bulgarian court held a law unconstitutional. In a later case, No. 140, September 24, 1912, the Court of Cassation, First Civil Division, held that it had no power to consider the constitutionality of the laws.

<sup>21</sup> *Dnevniitsi* (Journals of the National Assembly), 1879, *Dnevnik* XV, March 24, pp. 143-147; Nov. 21, 1880, pp. 112-127; 1903, p. 914.

<sup>22</sup> Circulars of the Ministry of Interior, Jan. 2, 1881, No. 4; Jan. 16, 1885, No. 2778; April 9, 1888, No. 3923.

<sup>23</sup> Cf., *International Conciliation*, 1925, No. 214, p. 364.



(2) Those born in Bulgaria of unknown parents or parents of unknown nationality. An illegitimate child follows the nationality of the parent whose nationality be first made known by recognition or by judgment;

(3) Those born in Bulgaria to alien parents, presumably<sup>24</sup> excluding children born in Bulgaria to foreign diplomats accredited to the Bulgarian Government.

With regard to this last class of persons, the law provides that they are considered Bulgarian subjects if at the time of their majority they are domiciled in Bulgaria. Yet practically every person born in Bulgaria is held to be a Bulgarian subject or citizen. So that both the *jus soli*, the law of the place of birth, and the *jus sanguinis*, the law of blood, form parts of the Bulgarian law.

### Naturalization

(Articles 9-14)

Naturalization is conferred in Bulgaria by a king's decree (*tsarski ukase*) on the representation of the Minister of Justice.<sup>24</sup> The courts, however, have jurisdiction over cases of contested nationality.

Application either for acquisition or repudiation of Bulgarian nationality must be made by the persons interested or by their attorneys in fact to the *mirovi sudia* (justice of the peace) wherein they are domiciled or to the Bulgarian diplomatic representatives or consuls, if they reside abroad.

A foreigner who desires to acquire Bulgarian nationality by naturalization must, in lieu of a declaration of intention, file an application with the Ministry of Justice for a permit to establish his permanent domicile within the Kingdom. Bulgarian nationality is conferred upon an alien who is of Bulgarian extraction, or is married to a Bulgarian woman, or has rendered some meritorious services to the country, one year after granting him a permit of permanent domicile. Bulgarian nationality, however, is usually granted to an alien after three years following the grant of permanent domicile.<sup>25</sup>

<sup>24</sup> Before 1911, Bulgarian nationality was conferred upon aliens only by legislative acts, in accordance with Art. 55 of the Constitution. The amendment to this Article of July 11, 1911, gave the king's decree a final force.

<sup>25</sup> *Mestozhitelstvo* or "domicile" has been defined by the Law of Persons (*Zakon za litsata*), of 1907, as "the place wherein a person has his (her) main business establishment or interests"; *mestoprebivanie* or "residence," as "the place wherein a person usually lives." (Art. 1). "The woman, if she is not legally divorced, has the domicile of her husband; if her husband dies, she has the same domicile until after she duly acquires another domicile." (Art. 3).



Bulgarian nationality may likewise be granted to an alien who has not obtained a permit of permanent domicile but who can prove ten years continuous residence within the country.

A naturalized alien enjoys all civil and political rights of a Bulgarian subject or citizen. Nevertheless he is not eligible to membership in the National Assembly until fifteen years after he obtains his final naturalization. This period is shortened to ten years for those aliens, specified in Art. 9 (3) of the Nationality Law, who have obtained or shall obtain their naturalization by virtue of rendering certain meritorious service to the country. Moreover, persons who recover Bulgarian nationality after having lost it immediately acquire all civil and political rights, including eligibility to any elective public office.

### Nationality by Marriage

(Articles 15-16)

Every alien woman who marries a Bulgarian becomes *ipso facto* a Bulgarian.<sup>26</sup> A Bulgarian woman who marries an alien loses her Bulgarian nationality unless, according to the law of the country of her husband, she does not acquire his nationality by virtue of the marriage alone.<sup>27</sup> After the termination of the marital relations, she may resume Bulgarian nationality by filing a special application with the Ministry of Justice and by returning to reside within the country. Her minor children may, provided the marital relation terminates with the death of the husband, acquire Bulgarian nationality by the same king's decree by which their mother resumes Bulgarian nationality or by a subsequent decree.

### Election of Nationality

(Articles 5(3), 6, 7, 11, 33 and 34)

By reason of concurrent operation of the *jus soli* and the *jus sanguinis*, there are persons born with dual nationality. All persons born in Bulgaria of aliens except children of accredited foreign dip-

<sup>26</sup> An American woman who marries a Bulgarian becomes *eo instanti* a Bulgarian (Art. 15 of the Bulgarian Nationality Law), although she may retain her American nationality and thus become a person with double nationality. (Sec. 3, Act of Congress of Sept. 22, 1922, Stat. 42, p. 1021). A Bulgarian woman who marries an American retains her Bulgarian nationality until after she be duly naturalized as an American. (Art. 16 of the Bulgarian Law and Sec. 2 of the aforementioned American Law.)

<sup>27</sup> Cf., G. Calbairac, *La nationalité de la femme mariée*, Recueil Sirey, Paris, 1926.



lomatic representatives, are said to possess dual nationality. They may, during the year following their majority, claim the nationality of their fathers, provided they produce, first, a certificate of the government of the country to which they claim to belong supporting such a claim; and, second, another certificate, if necessary, of the same government showing that they have responded to the military call or that they are not subject to military service.

There is no provision in the laws concerning those born to Bulgarians in foreign countries and who are considered Bulgarians *jure sanguinis*. It seems that they also must formally repudiate Bulgarian nationality should they desire to be exempted from military service or regular labor service. It is the same with minor children of naturalized Bulgarians or of Bulgarians who reacquire Bulgarian nationality after having lost it, but not later than a year following their majority.

### Expatriation

(Articles 17-24)

Under the Bulgarian law the right of expatriation or change of nationality is conditional. No Bulgarian subject or citizen can change his nationality when Bulgaria is at war;<sup>28</sup> nor can a Bulgarian, without the permission of the Bulgarian Government, acquire foreign nationality while he or she is resident within Bulgarian territory; nor is a Bulgarian naturalized abroad divested of Bulgarian nationality, has he not served his period of *trudova povinnost* (compulsory labor service). Thus the *zakon za trudovata povinnost* (Labor Service Law) of 1920 provides:<sup>29</sup>

Art. 1. All Bulgarian citizens of both sexes, viz., men who have attained the age of twenty years and girls who have attained the

<sup>28</sup> The same provides Sec. 2 of the American Expatriation Act of March 2, 1907.

<sup>29</sup> For an English translation of the Bulgarian Labor Service Law of 1920 and its amendments see *International Labour Office, Legislative Series*, 1922, Bulgaria, I, p. 34; cf., also Max Lazard, "Compulsory Labor Service in Bulgaria," I. L. O., *Studies and Reports, Series B (Economic Conditions)* No. 12, Geneva, 1922.

The Law Concerning the Organization of the Bulgarian Armed Forces of 1904, which was abrogated by the Labor Service Law of 1920 and which the Bulgarian ultra-patriots desire to reinstate, provides: "No *grazhdanin* (citizen) may obtain foreign *podanstvo* (nationality) before completing his duty of military service (46 years of age). Should one obtain foreign nationality, before complying with the above-mentioned conditions and without the permission of the Bulgarian Government, he shall be considered a deserter and shall be subject to punishment under Art. 158 of the Military Penal Law." (Art. 7).

So that before 1920 a Bulgarian, subject to military service, could not, without the permission of the Bulgarian Government, change his nationality before completing 46 years of age.



age of sixteen years, shall be liable to compulsory labor service, that is, to compulsory public service.

Art. 5. No Bulgarian can change his nationality or settle in a foreign country until he has completed his compulsory labor service.

Art. 24. Those persons, who have acquired foreign nationality having previously served their compulsory labor, shall be subject to punishment with not less than one year of imprisonment.

Art. 29. Offenses under the present law shall be cognizant to the proper district courts as the courts of first instant. Cases arising under the operation of the present law are matters of urgency and shall be disposed of in the course of a month.

Moreover, every Bulgarian naturalized abroad is responsible for offenses committed before the date of his naturalization. It is not even necessary to mention that naturalization abroad must be obtained by a Bulgarian subject or citizen at his own voluntary application.

### Treaties

Of course the naturalization treaty between the United States and Bulgaria divest of Bulgarian nationality those Bulgarians who have been or shall be naturalized in the United States. They are not and shall not be subject to punishment for the original act of emigration. Yet they are and shall be subject to punishment in case they have or shall obtain final naturalization after their military or labor service has accrued, i.e., after they have completed the age of twenty years.<sup>30</sup>

The Treaty of Neuilly of November 27, 1919, between Bulgaria and the Allied and Associated Powers,<sup>31</sup> likewise contains provisions concerning nationality and naturalization. It would not be amiss to quote Art. 158 of that treaty in entirety. It provides:

"Bulgaria undertakes to recognize any new nationality which has been and may be acquired by her nationals under the laws of the Allied and Associated Powers and in accordance with the decisions of the competent authorities of the Powers pursuant to naturalization laws or under treaty stipulations, and to regard such persons as having, in consequence of the acquisition of such new nationality, in all respects severed their allegiance to their country of origin."

<sup>30</sup> See Art. II of the Treaty of November 23, 1923, and Art. 24 of the Labor Service Law.

<sup>31</sup> *Suppl. Am. J. I. Law*, 14 (1920) p. 185; *British Treaty Series*, 1920, No. 7.



Having not ratified the Treaty of Neuilly, the United States has, of course, nothing to do with its stipulations.<sup>32</sup> Its provisions regarding nationality and naturalization is quoted above simply in passing, because it is a part of the Bulgarian law as far as the other Allied and Associated Powers are concerned.

It is a curious fact, however, that certain Powers have made so extensive an interpretation of Art. 158 of the Treaty of Neuilly that they have claimed certain Bulgarian nationals, even residents in Bulgaria, to have renounced or repudiated their Bulgarian nationality by merely obtaining passports from the legations or consulates of those Powers. Of course this has been done in contravention not only to Bulgarian laws but also to laws of the very Powers that have made such claims.

Bulgaria was defeated—*vae victis*. Yet, under the rules of international law, the Treaty of Neuilly should be given a restrictive, and not an extensive, interpretation, that is, each and every ambiguous or uncertain stipulation should be interpreted to the benefit of Bulgaria, the grantor.<sup>33</sup>

As modern civil legislation of Bulgaria is chiefly based upon the French *Code Civil*, the *zakon za bulgarsko podanstvo* (Bulgarian Nationality Law) of 1904 is modeled after the French Nationality Law of June 26, 1889 and resembles it very closely. It may soon be modified or amended, but its fundamental principles are likely to remain untouched.

<sup>32</sup> The Treaty of Neuilly would, under the very first article of the Bulgarian Constitution, be approved by the Grand National Assembly, since that treaty diminished the territory of the Kingdom. This has not been done. It seems that that peace treaty is unconstitutional as far as it made territorial changes. Cf., J. Caleb, "Le régime constitutionnel en Bulgarie," in *Revue de droit international et de législation comparée*, Vol. 37 (1906), pp. 233-235; also Prof. Kiroff, *Bulgarsko konstitutsiono pravo*, Sofia, 1920, pp. 13-14.

<sup>33</sup> The judgments 3 and 4 of the Permanent Court of International Justice, rendered in 1924 in a controversy between Greece and Bulgaria over the exact meaning and the scope of paragraph 4 of the annex following Article 179 of the Treaty of Neuilly, are noteworthy examples of a correct and just application of the rule of international law relative to interpretation of treaties, and that in spite of the fact that these judgments have been bitterly censured by certain learned Greek jurists (See Christo Yotis, "Le question d'ultra petita à propos d'un arbitrage entre la Grèce et la Bulgarie," in *Journal du droit international*, Clunet, 1926, p. 879). These judgments, however, are a moral gratification to those Bulgarians who, in 1918, risked their own lives in order to stop the World War by getting Bulgaria out of it; who, in 1921, led Bulgaria in the League of Nations and the Permanent Court of International Justice in spite of the bitter opposition of the Bulgarian "intellectuals" and ultra-patriots; and who, after the military *coup d'état* that occurred in Bulgaria in June, 1923, either have been massacred en masse before the eyes and even under the acclamation of the civilized world or have experienced hardship, privation, and starvation in foreign lands as political emigrants.

## THE CONSTITUTION\*

(Extracts)

(Adopted on 16-29 of April, 1879; amended on 15-28 of May, 1893,  
and on 11-24 of July, 1911)

## Chapter XII. The Citizens of the Bulgarian Kingdom

Article 54. All persons born in Bulgaria and who have not adopted any other nationality, as well as those who are born in foreign countries of parents who are Bulgarian subjects, are considered subjects of the Bulgarian Kingdom.

Art. 55. Amended on 11-24 of July, 1911. Foreigners may be admitted to Bulgarian nationality only by the confirmation of the National Assembly. Foreigners may be admitted to Bulgarian nationality by virtue of a law, to be enacted hereafter.

Art. 56. Every subject of the Kingdom may change his nationality after he has completed his period of military service and has fulfilled his other obligations toward the State, in conformity with a special law, to be enacted hereafter.

Art. 57. All Bulgarian subjects are equal before the law. No division into classes (*saslovia*) shall be permitted in Bulgaria.

Art. 58. Titles of nobility and other distinctions shall not exist in the Bulgarian Kingdom.

Art. 60. The citizens of the Bulgarian Kingdom alone enjoy political rights; but all persons who dwell within the Kingdom enjoy civil rights in conformity with the laws.

Art. 61. No one has the right to buy or sell human beings within Bulgaria. Any slave of whatever sex, religion, or race, is free as soon as he (or she) sets foot on Bulgarian territory.

Art. 62. The laws concerning public order and the police laws are equally binding upon all who live within the Kingdom.

Art. 63. All immovable (real) property situated in the Kingdom, even though it belongs to foreigners, is governed by the Bulgarian laws.

Art. 64. In all other respects, the status of foreigners is determined by special laws.

Art. 65. Bulgarian subjects alone have the right to fill public offices, civil or military.

\*Thanks are due to Professor Philip C. Jessup of Columbia University, who has read this translation and suggested some corrections in it.



Art. 66. Foreigners may also be admitted to fill public offices, provided the approval of the National Assembly be obtained in every instance.

#### SPECIAL RESOLUTIONS OF THE CONSTITUENT ASSEMBLY

March 24–April 6, 1879.

The law which shall determine the method of acquisition of Bulgarian nationality must provide facilities to those Bulgarians from Thrace and Macedonia who shall express their intention of becoming Bulgarian subjects. All persons of Bulgarian extraction or foreigners who, during the recent (Russo-Turkish) war, assisted the task of liberating Bulgaria, either as civil or military officials, are by right considered citizens of the Bulgarian Principality (Kingdom), provided that they apply therefor to the proper governmental department during a period of three years after the Constitution goes into effect.

April 14–27, 1879.

Foreigners who have rendered some meritorious service to the country shall be considered honorary citizens of the Bulgarian Principality (Kingdom). The Prince (King) shall, with the consent of the National Assembly, decide upon whom this honor shall be conferred and shall send them the necessary certificates.

#### LAW ON BULGARIAN NATIONALITY

*(Zakon za bulgarsko podanstvo)*

(Promulgated on Jan. 5, 1904; amended and supplemented on Dec. 8, 1911)

#### Chapter I. General Provisions.

Art. 1. Bulgarian nationality gives a right to the exercise of all civil rights. Political rights are acquired and enjoyed in conformity with the Constitution and the Election Law.

Art. 2. Are considered Bulgarian subjects all persons who, upon the establishment of the Kingdom of Bulgaria, had their domicile therein or have thereafter been born within the limits of its territory.

Art. 3. Are considered Bulgarian subjects also all persons who, after the establishment of the Kingdom of Bulgaria, shall, in conformity with the provisions of this law, be naturalized.

Art. 4. Bulgarian nationality shall be acquired by birth, by naturalization, and by marriage.

## Chapter II. Nationality by Birth

Art. 5. Bulgarian subjects by birth are:

(1) Every person born of a Bulgarian subject within Bulgarian territory or abroad. Every illegitimate child whose parents are established during his (her) minority, either by voluntary recognition or by judgment, follows the nationality of the parent whose nationality has first been established. If the father and mother have been recognized by the same act or the same judgment, the child acquires the nationality of the father.

(2) Every person born within Bulgaria of unknown parents or of parents whose nationality is unknown, and

(3) Every person born within the Kingdom of a foreigner and who, at the time of attaining his majority, is domiciled within the Kingdom unless, during the year following his majority, as provided by the laws of the Kingdom (twenty-one years of age), he has repudiated Bulgarian nationality and has proved by a certificate of his own government that he has preserved the nationality of his parents and also, if necessary, a certificate showing that he has complied with the requirements of the law of military service of the country of his parents.

Art. 6. Every person born within Bulgaria of a foreigner and who has no domicile within her territory at the time of attaining his majority may, before attaining the age of twenty-two years, make a declaration that he will establish his permanent domicile in Bulgaria, and, if in reality he does so during one year after filing his application, he has the right to apply for the recognition of Bulgarian nationality by means of an application which shall be filed with the Ministry of Justice. If the person has not completed twenty-one years of age, the application may be filed, in his name, by his father; in case of the death of his father, by his mother; in case of the death of both the father and mother or of their being dismissed from the guardianship, by the guardian, authorized by the relatives' council. The person in question also acquires Bulgarian nationality, if, after his name has been included in the military (labor) conscription list, he presents himself before the proper conscription military (labor) commission for due examination without invoking his foreign nationality.



Art. 7. Every person born within Bulgaria or abroad of parents, one of whom has lost his Bulgarian nationality, may acquire the latter nationality at any age during his lifetime under the condition mentioned in the preceding article unless, being domiciled in Bulgaria and called to the military (labor) colors, he has invoked his foreign nationality.

Art. 8. (Abrogated, Dec. 8, 1911). Every person of foreign nationality but of Bulgarian extraction becomes a Bulgarian subject as soon as he establishes his permanent domicile within the Principality and files an application with the Ministry of Justice to the effect that his intention is to make his permanent home within Bulgaria.

### Chapter III. Nationality by Naturalization

Art. 9. Bulgarian nationality by naturalization can be acquired by:

(1) Foreigners to whom a permit has been given to establish their domicile within the Kingdom in conformity with Art. 14 of the present law, after three years of residence therein up to the filing of his application with the Ministry of Justice;

(2) Foreigners who can prove ten years continuous residence within the Kingdom. Residing abroad and holding office on behalf of the Bulgarian Government is equivalent to residing within the Kingdom.

(3) Foreigners to whom a permit has been given to establish their permanent domicile within the Kingdom, after one year of residence if they have rendered some meritorious service to the State or have brought into it famous talents or have furthered some industry or have made some beneficial inventions or have created some manufacturing or other institution;

(4) Foreigners married to Bulgarian women, also after one year following the permit given to them to establish their permanent domicile within the Kingdom, and

(5) Foreigners of Bulgarian extraction, also after one year following the permit given to them for the establishment of their permanent domicile within the Kingdom. This provision is not applicable to those foreigners of Bulgarian extraction who have passed the age of military conscription and have not fulfilled their military (labor) service in their own country or in Bulgaria.



Art. 10. The naturalization of the foreigners mentioned in the preceding article, who, in compliance with the rules of Chapter VI, file their application, is granted by a king's decree (*tsarski ukase*) on the representation of the Minister of Justice, after the necessary information of the moral character of every person be obtained.

Art. 11. The wife of a foreigner who becomes a Bulgarian subject by naturalization, as well as his adult children, may, if they desire, acquire Bulgarian nationality without having the prescribed period of residence either by the decree which gives that nationality to the father or mother, or as a consequence of the application which is made according to the provisions and under the conditions of Art. 6 of the present law. Bulgarian nationality is acquired also by the minor children whose father and mother, or either the father or the surviving mother, has been naturalized as Bulgarian subjects unless during the year after attaining their majority they decline that nationality in conformity with the provisions of Art. 5, par. 3.

Art. 12. Persons who acquire Bulgarian nationality in the modes provided for in Arts. 6, 7, 16 and 18, may enjoy only those rights pertaining to the Bulgarian citizens and which shall come into existence after their obtaining Bulgarian nationality.

Art. 13. Any foreigner who has acquired Bulgarian nationality by naturalization shall enjoy all civil and political rights pertaining to the Bulgarian citizens. He shall, however, be ineligible to membership in the National Assembly until after the expiration of fifteen years from the date of his acquisition of Bulgarian nationality. (Modified, March 11, 1904). This period is diminished to ten years for those who have acquired Bulgarian nationality by virtue of Art. 9, par. 3. This period may by law be diminished to three years. Bulgarians who reacquire Bulgarian nationality, after having lost it, immediately enter upon the enjoyment of all civil and political rights as well as the right to election as a member of the National Assembly.

Art. 14. A foreigner, to whom a permit has been given to settle within the Kingdom, enjoys all civil rights. The effect of such a permit ceases after the expiration of five years, provided the foreigner has not applied for naturalization or his application in this respect has been denied. In case of his death before the naturalization requested, his wife and children who were minors at the time of



granting the permit are given the benefit of the permit and the time of residence accrued. Permit of permanent domicile is granted by a king's decree on the representation of the Minister of Justice.

#### Chapter IV. Nationality by Marriage

Art. 15. Every foreign woman who has married a Bulgarian subject acquires Bulgarian nationality. After the termination of the marital relation, she may repudiate her Bulgarian nationality by a special application made in compliance with the rules laid down in Art. 30 of the present law.

Art. 16. A Bulgarian woman who marries a foreigner acquires the nationality of her husband unless the marriage does not, according to the law of the country of which her husband is considered a national, confer upon her the nationality of the latter. If the marital relation terminates by the death of the husband or by divorce, she may acquire Bulgarian nationality by a special king's decree, provided she resides in Bulgaria or returns to establish her domicile therein in case she resides abroad. In case the marital relation terminates by the death of the husband, Bulgarian nationality may be conferred upon her minor children by the same decree by which their mother reacquires her Bulgarian nationality, on the application of the mother, or by another subsequent decree if the application has been made by the guardian with the approval of the relatives' council after the reacquisition of Bulgarian nationality by their mother.

#### Chapter V. Loss of Nationality

Art. 17. Bulgarian nationality is lost:

(1) By every Bulgarian who is naturalized in a foreign country or by his voluntary application acquires foreign nationality in compliance with the present law. If he has not performed his military (labor) service required by law, his naturalization abroad does not divest him of Bulgarian nationality unless it has been authorized by the Bulgarian Government;

(2) By every Bulgarian who repudiates his Bulgarian nationality in cases provided for in Art. 5, par. 3 and Arts. 11 and 18.

(3) By every Bulgarian who, having accepted public office of a foreign government, does not comply with the order of the Bul-

garian Government to leave that office in a given period of time, and

(4) By every Bulgarian who, without the permission of the Bulgarian Government, accepts a military office of a foreign country, independently of the punishment which may be imposed upon him by the military penal law for his delinquency.

Art. 18. A Bulgarian subject who has lost his Bulgarian nationality may reacquire it by a king's decree, provided he resides in Bulgaria. Bulgarian nationality may be conferred upon his wife and children who are of age, if they so apply. The minor children of the father or mother, who reacquires Bulgarian nationality, also acquire Bulgarian nationality unless, during the year following their majority, they repudiate that nationality in compliance with the provisions of Art. 5, par. 3.

Art. 19. A Bulgarian who, without the permission of the Bulgarian Government, accepts a military office of a foreign country can not return to Bulgaria except by the permission granted by a king's decree, nor can he reacquire his Bulgarian nationality unless he complies with the conditions according to which a foreigner can acquire Bulgarian nationality through naturalization.

Art. 20. A Bulgarian who lives abroad loses his Bulgarian nationality if, in case of war, he does not respond to the call by returning to the Kingdom.

Art. 21. No Bulgarian who has his domicile within the Kingdom may acquire foreign nationality without the permission of the Bulgarian Government.

Art. 22. Acquiring foreign nationality by a Bulgarian involves no loss of the Bulgarian nationality of his wife or his children who are of age.

Art. 23. Loss of Bulgarian nationality by a Bulgarian involves no loss of Bulgarian nationality of his wife or his children who are of age.

Art. 24. Minor children do not lose their nationality if their mother marries a foreigner.

## Chapter VI. Procedure for the Acquisition and Loss of Bulgarian Nationality

Art. 25. A foreigner, who desires to obtain a permit to establish his permanent domicile within the Bulgarian Kingdom, must file



with the Minister of Justice his application accompanied by his birth certificate and that of his father, both in Bulgarian translation if their originals are in foreign language, as well as a certificate from the Bureau for Judicial Jurisdiction of the Kingdom. Upon this application and before the permit for the establishment of permanent domicile be granted, information shall be asked from the respective Prefect regarding the moral character of the applicant, his means of living, the length of time he has spent within the Kingdom, his family, his political views and his affection toward Bulgaria. According to the result of this inquiry, the Minister of Justice recommends that the permit requested be granted or denied.

Art. 26. A foreigner who, after having established his permanent domicile within the Kingdom, desires to acquire Bulgarian nationality by naturalization must file with the Minister of Justice his application accompanied by his birth certificate, a certificate of the Bureau of Judicial Jurisdiction and the birth certificates of his minor children, if any, all accompanied by Bulgarian translations if their originals are in a foreign language. In case the persons interested can not possibly obtain the aforementioned birth certificates in order to attach them to their applications for naturalization, in their stead a certificate of the Justice of the Peace of the district wherein the applicants reside shall be provided. This certificate is issued on the affidavit of three witnesses of either sex, relatives or non-relatives, and must contain the name and surname of the applicant and his parents, if the latter are known, his occupation and domicile, his birthplace and, if possible, the date of his birth, as well as the reasons for which birth certificate can not be presented. This certificate is signed by the Justice of the Peace and by the said witnesses.

Art. 27. A foreigner who has married a Bulgarian woman, if he desires to obtain naturalization, after the expiration of one year following the permit given to him to establish his permanent domicile within the Kingdom, must present his wife's birth certificate and that of her father, if needed, in order that her Bulgarian nationality be established.

Art. 28. A foreigner who applies for naturalization after his ten years of continuous residence within the Kingdom must present with his application documents which prove that he has in fact resided ten years within the Kingdom.



Art. 28a. (Amendment, Dec. 8, 1911.) A person who desires to acquire Bulgarian nationality by virtue of Art. 9, par. 5 of the present law must, besides the documents mentioned in Arts. 25 and 26, also present the following: (1) a certificate showing that he has fulfilled his obligation of the law of military service of his own country or that of Bulgaria, and (2) authentic documents showing his Bulgarian extraction.

Art. 29. The wife and adult children of the foreigner, who wish to become Bulgarian subjects by naturalization or by reacquisition of Bulgarian nationality without the required residence by virtue of Arts. 11 and 18 of the present law, must join their application with that filed by the husband, the father or mother. In case of privileged naturalization provided for in Arts. 6 and 7, the application must be joined with that of the husband, father or mother.

Art. 30. Application either for acquisition or repudiation of Bulgarian nationality is made orally before the Justice of the Peace in whose jurisdiction the applicant resides, and for the proceedings a special instrument is filed, signed by the Justice of the Peace and by the applicant. Applications may be made by intermediaries on behalf of the applicants, if authorized by a special power of attorney. The instrument filed by the Justice of the Peace shall be in duplicate. The applicant must be accompanied by two witnesses in order to testify to the identity of his personality. In support of his application the applicant must present the necessary documents and attach to them his birth certificate as well as those of his minor children, with Bulgarian translations if they are in a foreign language. If the applicant resides abroad, the applications are filed with the diplomatic representatives or consuls of the Kingdom.

Art. 31. Both copies of the instrument filed by the Justice of the Peace upon the oral application made to him and accompanied by the required documents is sent without delay by the Justice of the Peace to the Procurator of the respective District Court who, on his part, immediately forwards it to the Ministry of Justice.

Art. 32. The application, by virtue of which the instrument is filed, is inscribed in a special register in the Ministry of Justice; one of the duplicates remains in the Ministry of Justice and the other is sent to the applicant with a notice of its registration. The application is registered by the date on which it has been made before the Justice of the Peace.



Art. 33. Every person born within Bulgaria of a foreigner and who resides abroad at the time of attaining his majority, and who desires to establish his permanent domicile within Bulgaria by virtue of the provisions of Art. 6, may file his application with one of the diplomatic representatives or consuls of Bulgaria in the respective foreign country. The instrument filed upon such an application shall be in duplicate, one of which shall be given to the person interested and the other shall immediately be sent through the Ministry of Foreign Affairs to the Ministry of Justice.

Art. 34. A person born within Bulgaria of parents one of whom has lost his Bulgarian nationality and who desires to acquire that nationality by virtue of Art. 7 must prove wherein his own residence and that of his parents were at the time of attaining his majority.

Art. 35. The waiver of the right of a minor, which he has by virtue of Art. 5, par. 3 and Arts. 11 and 18, to repudiate Bulgarian nationality, is made in his name by the persons mentioned in Art. 6.

Art. 36. A foreigner, who desires to acquire Bulgarian nationality by naturalization, pays into the public treasury a fee of 300 *levs*. The payment of this amount shall be made in two installments, 150 *levs* upon his taking up permanent residence within the Kingdom and 150 *levs* upon his final naturalization. In case his application for naturalization be denied, the amount paid shall be refunded to the applicant. The payment of this fee shall not be required by those foreigners who had taken a part in the war for the liberation of Bulgaria either in the Bulgarian militia or in the Russian Army.

## Chapter VII. Temporary Provisions

Art. 37. The required residence of foreigners, who had applied for acquisition of Bulgarian nationality before this law goes into operation, shall be determined by the old Law on Bulgarian Nationality. (Amendment, Dec. 8, 1911.) The provisions of the present law shall not be applied to persons who, before its going into effect, had applied for acquisition of Bulgarian nationality by virtue of Art. 8 of the old Law on Bulgarian nationality.

Art. 38. All laws and regulations concerning matters on Bulgarian nationality and contrary to the present law are hereby repealed.

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